

EXHIBIT 5

12/13/2024

Richard Kadrey, et al. v. Meta Platforms, Inc.
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Arun Rao

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,)

)

Individual and)

Representative)

Plaintiffs,)

)

v.)

Case No. 3:23-cv-03417-VC

)

META PLATFORMS, INC.,)

)

Defendant.)

)

** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY **

Videotaped Deposition of ARUN RAO

San Francisco, California

Friday, December 13, 2024

Reported Stenographically by

Michael P. Hensley, RDR, CSR No. 14114

DIGITAL EVIDENCE GROUP

1730 M. Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

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1 Reporter.)

2 THE WITNESS: I'm sorry. How would I
3 describe my role?

4 BY ATTORNEY HUTCHINSON:

5 Q. Are you sort of, like, a founding --
6 founding member? One of many leading the charge?

7 A. Yeah, I'd say there were -- the two or
8 three people; so I was one of the two or three
9 people that helped build out the organization and
10 the group for it.

11 Q. So when you're referring to "Llama
12 models," what are you referring to there in your
13 LinkedIn profile?

14 A. I was primarily working on Llama 3 and
15 then Llama 4.

16 Q. And when you say "used in products like
17 Meta AI," you're referring to Llama being used in
18 products?

19 A. Yes.

20 Q. Okay. Meta -- what is Meta AI?

21 A. Meta AI is our chat service, similar to
22 ChatGPT. Where users can talk to an LLM.

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1 Q. Would you characterize it as a personal
2 assistant platform?

3 A. Some people characterize it that way.
4 That's fair.

5 Q. So you say "products like Meta AI."
6 What are the other products that Llama was
7 incorporated into?

8 A. There was a downstream AI studio product.
9 There was the Meta Ray-Ban product. And as far as I
10 know, there were dozens of tests across the company
11 and many different products.

12 Q. So dozens of other products you're not
13 familiar with or you can't recall all of them?

14 A. Yeah. There was a long list of teams
15 testing it; so --

16 Q. Okay. Was that testing part of your work
17 in evaluations or someone else's work testing it?

18 A. Most of that testing for the other teams
19 went to our platform manager, who worked with all of
20 that. I worked with a handful of the teams, but
21 probably Meta AI the closest.

22 Q. So you go on to write:

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1 today.

2 A. Yes.

3 Q. And "IRL" is "in real life"?

4 A. Yes.

5 Q. Then there's a chart with the first column
6 that states "Meta AI can be a."

7 "Meta AI" is referring to the assistant
8 product called Meta AI?

9 A. That's correct.

10 Q. And when it says "Likely Use Cases For
11 Llama 4," is that reference to Llama 4 because Llama
12 is embedded in Meta AI?

13 A. That's right.

14 So for a future version of Meta AI.

15 Q. And you wrote that:

16 [As Read] Meta AI can be a comms
17 manager.

18 A. I did not write that, but, presumably, who
19 created the table wrote that.

20 Q. Is all the information in this table true
21 and correct, to the best of your knowledge?

22 ATTORNEY MORTON: Object to form.

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1 to what was finally published.

2 Q. And where was the final model card
3 published?

4 A. On the web.

5 Q. Did you have any role in deciding which
6 parts of this model card were accepted and
7 published?

8 A. I was one of the editors of both those
9 documents, yes. I wasn't the primary author. I'd
10 say probably Joe was the main author, and I edited
11 portions of it.

12 Q. Do you see in the second page of the
13 document, there's a page with a chart that starts
14 "Output," then "Model Architecture" and then a chart
15 with "Llama 3 Preview" in it?

16 A. Yes.

17 Q. Do you see that below that there's a
18 section on "Intended Use"?

19 A. Yes.

20 Q. And it states:

21 [As Read] Intended use cases:

22 Llama 3 preview is intended for commercial

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1 use.

2 A. Yes.

3 Q. Was it your understanding that Llama 3 was
4 intended for commercial use?

5 ATTORNEY MORTON: Object to form.

6 THE WITNESS: Yes.

7 BY ATTORNEY HUTCHINSON:

8 Q. Would you agree that all of the potential
9 uses for Llama that we had looked at before with
10 regard to the Meta AI product were all commercial
11 uses?

12 ATTORNEY MORTON: Object to form.

13 THE WITNESS: Yes. To the extent that
14 Meta AI is a commercial product, unlike Llama, which
15 is both a research and a commercial product.

16 ///

17 (Exhibit 1005 was marked for
18 identification.)

19 BY ATTORNEY HUTCHINSON:

20 Q. The court reporter has passed to you
21 what's been marked as Plaintiffs' Exhibit 1005.
22 It's a seven-page document with the title "Llama 3

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1 CERTIFICATE OF SHORTHAND REPORTER

2

3 I, Michael P. Hensley, Registered Diplomate

4 Reporter for the State of California, CSR No. 14114,

5 the officer before whom the foregoing deposition was

6 taken, do hereby certify that the foregoing

7 transcript is a true and correct record of the

8 testimony given; that said testimony was taken by me

9 stenographically and thereafter reduced to

10 typewriting under my direction; that reading and

11 signing was requested; and that I am neither counsel

12 for, related to, nor employed by any of the parties

13 to this case and have no interest, financial or

14 otherwise, in its outcome.

15

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Michael P. Hensley, CSR, RDR

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